

From the Upper Chamber



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Report for Thursday, March 6, 2008

The twenty-ninth day of the 2008 legislative session was called to order by Lieutenant Governor **Casey Cagle**.

Senator **Don Balfour** of the 9th stated that the journal had been read and was found to be correct.

Senate Bill 552, Senate Resolutions 1092 and 1097 and House Bills 336, 545, 602, 790, 791, 873, 948, 1018, 1031, 1042, 1209, 1327 and 1361 were read for the first time and assigned to committees. The clerk then read the reports of standing committees and second readers.

After the morning roll call, Sen. **Bill Hamrick** of the 30th led the Senate in the Pledge of Allegiance. He then introduced the *Chaplain of the Day*, Legislative Assistant **Laurie Sparks**, who led the Senate in the daily devotional.

Lt. Gov. **Cagle** paused to recognize former Sen. **Jim Whitehead, Sr.** on the floor of the Senate.

SR 1088-1092, 1094-1096, 1098, 1099 and 1038 were read and adopted.

Sen. **Judson Hill** of the 32nd took the well on a Point of Personal Privilege to ask the Senate to rise in a moment of silence in recognition of **Lauren Burk**, a Walton High School graduate who died Tuesday in a fatal shooting.

The Senate Local Consent Calendar, consisting of HB 1099, 1330, 1347 and SB 516, was adopted by a vote of 47 to 0.

Sen. **Bill Cowsert** of the 46th took the rostrum to introduce the *Doctor of the Day*, Dr. **John Hill** of Athens.

The clerk read SR 1086, which congratulates Professor **Bill Thomas**, director of the Georgia Legislative Intern program, on the occasion of his retirement. President Pro

Tempore **Eric Johnson** of the 1st took the rostrum to speak to the resolution and to introduce Professor **Thomas** to the Senate.

Sen. **Balfour** took the well to announce that the Rules Committee Meeting on Monday, March 10, is the final opportunity to get bills on the Senate floor before Crossover Day.

The clerk read SB 396, which transfers payroll functions from the Department of Administrative Services to the Council of Superior Court Judges.

Sen. **Hamrick** took the well to present the Committee Substitute.

The Committee Substitute to SB 396 was unanimously adopted.

SB 396 passed by substitute by a vote of 51 to 0.

The clerk read SB 217, which allows homeowner organizations to enforce local ordinances.

Sen. **Curt Thompson** of the 5th took the well to present the bill and the amendments, the first of which limits the powers of the homeowner organizations. Amendment 2 provides for further language clarifications.

Amendment 1 was unanimously adopted.

Amendment 2 was unanimously adopted.

The Committee Substitute to SB 217 was unanimously adopted as amended.

SB 217 passed by substitute by a vote of 43 to 8.

The clerk read SB 412, which changes the names of “safety belt” and “air bag” to “life belt” and “life bag.”

Sen. **Emanuel Jones** of the 10th took the well to present the bill and yielded to questions from Senators **Jack Murphy** of the 27th, **Preston Smith** of the 52nd and **Steve Thompson** of the 33rd.

SB 412 passed by a vote of 42 to 10.

The clerk read SB 414, which makes several changes to the provisions of the Georgia Firefighter Standards and Training Council.

Sen. **Jeff Mullis** of the 53rd took the well to present the bill.

The Committee Substitute to SB 414 was unanimously adopted.

SB 414 passed by substitute by a vote of 48 to 0.

The clerk read SB 404, the *Georgia Health Marketplace (GHM) Act*, which provides access for individuals and businesses to purchase individual health insurance policies. The clerk also read Amendment 1, which seeks to include specific screenings, tests and services in all insurance policies for sale on the GHM.

Majority Leader **Tommie Williams** of the 19th took the well to present the bill. He yielded to questions from Sens. **Nan Orrock** of the 36th, **Goggans** and **Gloria Butler** of the 55th.

Sen. **Thompson** of the 33rd took the well to discuss some of his concern with removing mandated coverages from current state law.

Sen. **Hill** of the 32nd took the well to speak in support of the bill.

Sen. **Seth Harp** of the 29th took the well to discuss the opposing sides of the current healthcare debate. He yielded to questions from Sens. **Mitch Seabaugh** of the 28th and **Lee Hawkins** of the 49th.

Sen. **Orrock** took the well to emphasize the need for healthcare reform and her concerns that the bill falls short of solving the issues. She yielded to questions from Sen. **Hill** of the 32nd.

The clerk read Amendments 2-4.

Sen. **Horacena Tate** of the 38th took the well to present her Amendment 1.

Sen. **Butler** took the well to present her Amendment 2, which adds coverage for prescription inhalers to the bill. She yielded to questions from Sen. **Harp**.

Sen. **Johnson** took the well to speak to his Amendment 3, which adds obstetricians and gynecologists to direct access. He yielded to questions from Sen. **Orrock**.

Sen. **Hill** of the 32nd took the well to present his Amendment 4, which simply provides for language clarifications.

Sen. **Steve Henson** of the 41st took the well to speak in support of Amendment 1, as it helps strengthen women's healthcare in Georgia.

Sen. **Williams** took the well to close the debate and speak in support of Amendments 3 and 4. He yielded to questions from Sen. **Henson**.

Amendment 1 failed by a vote of 22 to 30.

Amendment 2 failed by a vote of 18 to 34.

Amendment 3 was adopted by a vote of 52 to 1.

Amendment 4 was unanimously adopted.

The Committee Substitute to SB 404 was unanimously adopted as amended.

SB 404 passed by substitute by a vote of 42 to 12.

The clerk read SR 1092, which designates today as Diabetes Awareness Day. Sen. **George Hooks** of the 14th took the rostrum to speak to the resolution and introduce students of Fort Valley Middle School to the Senate.

Sergeant-at-Arms **Lorenzo Wallace** escorted Sens. **Jones, Gail Davenport** of the 44th, **John Douglas** of the 17th and their guests to the rostrum. The clerk read SR 1085, which recognizes the Mr. and Miss Teen Special Henry County pageant. Sen. **Jones** took the rostrum to speak to the resolution.

Sergeant-at-Arms **Wallace** then escorted Sen. **Douglas** and his guests to the rostrum. The clerk read SR 1068, which designates today as Atlanta Motor Speedway Day at the Capitol. Sen. **Douglas** took the rostrum to speak to the resolution.

The Senate recessed for lunch and returned at 1:30 p.m.

The clerk read SB 424, which allows the State Barber Board to increase the number of apprentices a barber is allowed to train.

Sen. **Johnny Grant** of the 25th took the well to present the Committee Substitute. He yielded to questions from Sen. **Smith**.

The Committee Substitute to SB 424 was unanimously adopted.

SB 424 passed by substitute by a vote of 41 to 0.

The clerk read SB 425, which authorizes the Commissioner of the Department of Administrative Services to establish incentive programs and encourage state agencies to participate in loss control programs.

Sen. **Grant** took the well to present the bill.

SB 424 passed by a vote of 48 to 1.

The clerk read SB 449, which limits the liability of property owners who allow others to hunt on their property. The bill is known as the *Landowners Protection Act of 2008*.

Sen. **Bill Heath** of the 31st took the well to present the bill and Amendment 1, which adds fishing as an activity included in the bill. Sen. **Heath** also spoke against Amendment 2, which restricts the bill to apply only to those 16 years old or older who hunt on such property.

He yielded to questions from Sens. **Regina Thomas** of the 2nd, **Ed Tarver** of the 22nd, **Jones, Hooks, Thompson** of the 33rd and **Orrock**.

Sen. **Johnson** took the gavel to preside over the Senate.

Sen. **Thompson** of the 33rd moved for the previous question. The motion failed by a vote of 20 to 28.

Sen. **Harp** took the well to present Amendment 2. He yielded to questions from Sen. **Michael Meyer von Bremen** of the 12th.

Lt. Gov. **Cagle** took the gavel to preside over the Senate.

Sen. **John Wiles** of the 37th took the well to speak against Amendment 2. He yielded to questions from Sen. **Joseph Carter** of the 13th.

Sen. **Smith** took the well to discuss the levels of duty of care in negligence cases.

The clerk read Amendments 3 and 4.

Sen. **Williams** took the well to present his Amendment 1.

Sen. **David Adelman** of the 42nd took the well to present Amendment 2. He yielded to questions from Sen. **Heath**.

Sen. **Dan Weber** of the 40th took the well to present Amendments 3 and 4. Amendment 3 states that if someone is hunting or fishing free of charge, then the property owner has immunity from liabilities. Amendment 4 strikes all references to agritourism. He yielded to questions from Sens. **Adelman** and **Wiles**.

Amendment 1 was unanimously adopted.

Amendment 2 was adopted by a vote of 26 to 19.

Sen. **Weber** moved to withdraw Amendment 3. There was no objection.

Amendment 4 failed by a vote of 20 to 23.

Sen. **Harp** asked to be excused from voting on the bill. There was no objection.

The Committee Substitute to SB 449 was unanimously adopted as amended.

SB 449 passed by substitute by a vote of 38 to 14.

Sen. **Cecil Staton** of the 18th moved that the Senate agree to the House Substitute to SB 276, which allows consumers to stack their coverage on top of an at-fault driver's. He

yielded to questions from Sens. **David Shafer** of the 48th and **Ralph Hudgens** of the 47th, **Chip Rogers** of the 21st and **Hooks**.

Sen. **Shafer** took the well to discuss some of his concerns with the bill, and the process by which the bill is being considered.

Sen. **Thompson** of the 33rd took the well to speak against the bill.

Sen. **Shafer** moved to agree to the House Substitute as amended. The amendment changes the effective date from 2008 to 2018.

Amendment 1 failed by a vote of 9 to 33.

The motion to agree to the House Substitute of SB 276 passed by a vote of 43 to 10.

The clerk read SB 438, which increases penalties for the second offense due to a right of way violation resulting in a collision. Sen. **Mullis** took the well to present the Committee Substitute.

Sen. **Johnson** took the gavel to preside over the Senate.

Sen. **Meyer von Bremen** took the well to present Amendment 1, which restricts a second offense to within five years of the first offense.

Amendment 1 was unanimously adopted.

The Committee Substitute to SB 438 was unanimously adopted.

SB 438 passed by substitute by a vote of 51 to 1.

The clerk read SB 482, which abolishes the State Law Library. Sen. **Hill** of the 32nd took the well to present the Committee Substitute.

The Committee Substitute to SB 482 was unanimously adopted.

SB 482 passed by substitute by a vote of 48 to 0.

The clerk read SB 504, which states that religious nonprofit organizations entering into a healthcare cost sharing arrangement with its members shall not be considered an insurance company, health maintenance organization or health benefit plan. Sen. **Hill** of the 32nd took the well to present the bill.

The Committee Substitute to SB 504 was unanimously adopted.

SB 504 passed by substitute by a vote of 49 to 1.

The clerk read SB 483, which provides guidelines for determining the amount and duration of child support awards. Sen. **Harp** took the well to present the bill and Amendment 1. He yielded to questions from Sens. **Douglas** and **Wiles**.

Amendment 1 was unanimously adopted.

SB 483 passed as amended by a vote of 45 to 1.

The clerk read SB 518, which allows insurance companies to draw contract agreements for the removal of dents, dings or creases in a motor vehicle. Sen. **Rogers** presented the Committee Substitute.

The Committee Substitute to SB 518 was unanimously adopted.

SB 518 passed by substitute by a vote of 46 to 1.

The clerk read SR 820, which creates the Joint Department of Natural Resources (DNR) Law Enforcement Study Committee. Sen. **Tolleson** took the well to present the resolution.

SR 820 was adopted by a vote of 47 to 0.

Following the announcements, Sen. **Wiles** moved that the Senate stand adjourned until 10:00 a.m., Tuesday, March 11.

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